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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ATHLETA, INC.,

Plaintiff,

v.

SPORTS GROUP DENMARK A/S,

Defendant.

Case No. 4:22-cv-03192-JST

STIPULATION AND ~~PROPOSED~~
ORDER TO ADJOURN INITIAL CASE
MANAGEMENT CONFERENCE AND
RELATED DEADLINES

Local Rule 6-2

1 WHEREAS, Plaintiff Athleta, Inc. (“Plaintiff”) filed its Complaint in the above-captioned
2 matter on June 1, 2022 (ECF No. 1);

3 WHEREAS, the Court scheduled an Initial Case Management Conference for September
4 27, 2022 (ECF No. 18);

5 WHEREAS, on August 29, 2022, Plaintiff filed an administrative motion to continue the
6 Initial Case Management Conference (ECF No. 24);

7 WHEREAS, on August 30, 2022, the Court granted Plaintiff’s administrative motion to
8 continue the Initial Case Management Conference and rescheduled the conference for December
9 13, 2022 (ECF No. 26);

10 WHEREAS, on November 4, 2022, Defendant Sports Group Denmark A/S (“Defendant”)
11 filed a motion to dismiss for lack of personal jurisdiction and failure to state a claim (ECF No. 28,
12 “Defendant’s Motion to Dismiss”), which set the motion hearing date for January 26, 2023;

13 WHEREAS, on November 15, 2022, the parties filed a stipulation and proposed order to
14 extend deadlines relating to Defendant’s motion to dismiss and to adjourn initial case management
15 conference and related deadlines (ECF No. 29);

16 WHEREAS, on November 15, 2022, the Court granted the parties’ stipulation and
17 continued the initial case management conference to April 11, 2023 (ECF No. 30);

18 WHEREAS, on December 2, 2022, Plaintiff filed its opposition to Defendant’s motion to
19 dismiss (ECF No. 32);

20 WHEREAS, on December 16, 2022, Defendant filed its reply in support of its motion to
21 dismiss (ECF No. 38);

22 WHEREAS, on January 13, 2023, the Court filed a Clerk’s Notice vacating the motion to
23 dismiss hearing (ECF No. 40);

24 WHEREAS, counsel for Plaintiff and Defendant have met and conferred regarding the
25 current date for the Initial Case Management Conference and jointly believe that an adjournment
26 of the Initial Case Management Conference (and related deadlines) is in the interest of conserving
27 the Court’s limited resources – as well as those of the parties – as it would permit the Court to
28 resolve Defendant’s now-fully briefed motion to dismiss prior to setting a case schedule and also

1 would allow the parties time to conduct a meaningful Rule 26(f) conference only after issue has
2 been joined;

3 WHEREAS, pursuant to Local Rule 6-2(a), “the parties may file a stipulation . . .
4 requesting an order changing time that would affect the date of an event or deadline already fixed
5 by Court order, or that would accelerate or extend time frames set in the Local Rules or in the
6 Federal Rules”;

7 WHEREAS, pursuant to Local Rule 6-2(a), the stipulated request made herein is
8 accompanied by the Declaration of Mark R. Conrad, dated March 20, 2023, in support hereof;

9 **NOW, THEREFORE**, Plaintiff and Defendant hereby stipulate and request that the Court
10 enter an Order as follows:

- 11 1. The Initial Case Management Conference presently scheduled for April 11, 2023, shall
12 be adjourned and reset for a date, subject to the Court’s convenience and availability, to
13 be determined after the Court issues a decision on Defendant’s motion to dismiss.

14 Respectfully submitted,

15 DATED: March 20, 2023

16 CONRAD | METLITZKY | KANE LLP

17 /s/ Mark R. Conrad

18 MARK R. CONRAD

19 Attorneys for Plaintiff Athleta, Inc.

20 DATED: March 20, 2023

21 FROSS ZELNICK LEHRMAN & ZISSU, P.C.

22 /s/ James D. Weinberger

23 JAMES D. WEINBERGER

24 Attorneys for Plaintiff Athleta, Inc.

25 DATED: March 20, 2023

26 BEESON SKINNER BEVERLY, LLP

27 /s/ Arne M. Olson

28 BRIAN BEVERLY

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Attorneys for Defendant Sports Group Denmark A/S

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: March 21, 2023



Honorable Jon S. Tigar
United States District Judge